

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of CourtUnited States of America
v.

DANIEL SILVESTRE GAMEZ-ACOSTA (YOB 1997)

Case No. 25-MJ-192

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 25-26, 2024 in the county of Curry in the
District of New Mexico, the defendant(s) violated:Code Section
18 U.S.C. § 2423(a)Offense Description
Transportation With Intent To Engage in Criminal Sexual Activity

This criminal complaint is based on these facts:

See attached Affidavit, submitted by SA Nancy Stemo and approved by AUSA Jaymie L. Roybal.

☒ Continued on the attached sheet.

Complainant's signature

Nancy Stemo, FBI Special Agent

Printed name and title

Electronically Submitted and Telephonically Sworn to me on this date.

Date: February 11, 2025



Judge's signature

City and state: Albuquerque, New Mexico

John F. Robbenhaar, United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF THE ARREST OF:
DANIEL SILVESTRE GAMEZ-ACOSTA
(YOB 1997)

Case No. _____

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Nancy Stemo, a Special Agent with the Federal Bureau of Investigation (“FBI”) being duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I make this Affidavit in support of the arrest of DANIEL SILVESTRE GAMEZ-ACOSTA (year of birth 1997) (“GAMEZ-ACOSTA”), for a violation of 18 U.S.C. § 2423(a) – Transportation with Intent to Engage in Criminal Sexual Activity.

2. I have been a law enforcement officer since May 2016 and am employed as a Special Agent with the Federal Bureau of Investigation (“FBI”). I am currently assigned to the FBI Albuquerque’s Child Exploitation and Human Trafficking Task Force (“CEHTTF”) where I investigate a myriad of federal violations including, violent crimes against children, human trafficking, child pornography, online enticement, and sexual exploitation of children. I have investigated and received on the job training from other experienced agents and officers/detectives in the investigations of federal offenses, to include the sexual exploitation of children. I have received formal and on the job training from other experienced agents and law enforcement officers.

3. The statements contained in this Affidavit are based upon my investigation, training and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this Affidavit is being submitted for the limited purpose of securing a

criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against GAMEZ-ACOSTA for a violation of 18 U.S.C. § 2423(a).

RELEVANT STATUTE

4. This investigation concerns alleged violations of certain activities relating to the sexual exploitation of minors:

a. Title 18 U.S.C. § 2423(a) provides, in relevant part, “a person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense” is guilty of a federal offense.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. On December 10, 2024, JANE DOE, a 15-year-old resident of Omaha, Nebraska was reported missing to the Omaha Police Department (“OPD”). JANE DOE suffers from seizures and did not take her medication with her. JANE DOE also left her cellular telephone, (“JANE DOE PHONE”) behind.

6. On December 13, 2024, JANE DOE suffered a medical episode in New Mexico and required a prescription be filled. JANE DOE’s mother, S.R., was contacted regarding the prescription by GAMEZ-ACOSTA’s relative, J.S., via GAMEZ-ACOSTA’s phone number, 531-232-5960 (“GAMEZ-ACOSTA TELEPHONE”). J.S. advised GAMEZ-ACOSTA brought JANE DOE home and introduced her as his girlfriend. S.R. sent a photograph of JANE DOE’s identification card that showed her date of birth (YOB 2009) to the GAMEZ-ACOSTA

TELEPHONE. Because the identification card showed JANE DOE's birthdate and birth year, GAMEZ-ACOSTA was made aware JANE DOE was 15 years old. The GAMEZ-ACOSTA TELEPHONE did not respond to the message. Based on information received by S.R. that was relayed by a relative to the Portales Police Department ("PPD"), JANE DOE was intercepted and recovered. PPD contacted JANE DOE, J.S., and GAMEZ-ACOSTA's father at a Wal-Mart in Portales. JANE DOE was recovered and transported back to Omaha by S.R. on December 20, 2024. After JANE DOE was recovered, the GAMEZ-ACOSTA TELEPHONE contacted S.R. to inquire about JANE DOE's whereabouts.

7. On December 19, 2024, GAMEZ-ACOSTA was arrested and booked into the Curry County Jail for a 2018 bench warrant that was issued for traffic violations. In his conditions of release paperwork, GAMEZ-ACOSTA listed the GAMEZ-ACOSTA TELEPHONE as his phone number.

8. On December 25, 2024, JANE DOE ran away and took the JANE DOE PHONE, a blanket, clothes, and makeup with her. During an interview with S.R., S.R. advised GAMEZ-ACOSTA drove a red mustang.

9. On January 22, 2025, the Court authorized search warrants for historical and prospective cell site information and pen register/trap and trace devices on the JANE DOE PHONE and the GAMEZ-ACOSTA TELEPHONE.¹

10. A review of the historical cell phone information showed continued contact between the JANE DOE PHONE and the GAMEZ-ACOSTA TELEPHONE since December 25, 2024. A review of the GAMEZ-ACOSTA TELEPHONE's records from December 25 and 26, 2024, showed the GAMEZ-ACOSTA TELEPHONE traveled northeast from New Mexico

¹ See District of New Mexico, 25-MR-105, 25-MR-106, 25-MR-107, and 25-MR-110.

towards Omaha on December 25, 2024, and began moving southwest on the same date. A comparison between the historical cell site location for the GAMEZ-ACOSTA TELEPHONE and the JANE DOE PHONE suggest the phones were together from Omaha to New Mexico on December 25 and 26, 2024.

11. On January 31, 2025, JANE DOE was located outside of a residence associated with GAMEZ-ACOSTA's father in Clovis, New Mexico. JANE DOE was sitting inside of a red mustang. JANE DOE declined to participate in a forensic interview but agreed to speak with FBI Agents. JANE DOE stated that she told GAMEZ-ACOSTA she was 17 years old when the two first met online. Regarding the time she ran away on December 25, 2024, JANE DOE communicated with GAMEZ-ACOSTA via phone and asked him to pick her up. Since he was in New Mexico, he had an unknown friend pick her up from a gas station and the friend dropped her off outside of GAMEZ-ACOSTA's apartment in Omaha. The apartment was shared with GAMEZ-ACOSTA's mother. Because GAMEZ-ACOSTA was on his way from New Mexico, she had to wait outside of the apartment for approximately 30 minutes. Later on December 25, 2024, GAMEZ-ACOSTA picked JANE DOE up in an older tan four door sedan and he drove her to New Mexico. Initially, JANE DOE disclosed she touched GAMEZ-ACOSTA over the clothes only, and they would engage in hugging and kissing in his car, in Nebraska, and in New Mexico. JANE DOE then disclosed that GAMEZ-ACOSTA performed oral sex on her and received oral sex from her. She further disclosed that GAMEZ-ACOSTA engaged her in vaginal sex approximately 7-8 times while in Nebraska. She also reported that the two engaged in both oral and vaginal sex approximately 11-12 times in Clovis, New Mexico. JANE DOE also indicated GAMEZ-ACOSTA digitally penetrated her vagina and she would masturbate him. JANE DOE described her mother as being over-protective. Although JANE DOE stated she told GAMEZ-ACOSTA she was 17

years old, GAMEZ-ACOSTA had information indicating JANE DOE was truly 15 years old. I am aware New Mexico Statute 30-9-11E criminalizes the sexual activity between GAMEZ-ACOSTA and JANE DOE.

12. When JANE DOE was recovered in Clovis, the JANE DOE PHONE was seized and a search warrant was obtained for its content.² During a review of the JANE DOE PHONE's content, messages between the JANE DOE PHONE and GAMEZ-ACOSTA PHONE were located. The GAMEZ-ACOSTA PHONE was saved as "bebe." On January 19 and 26, 2025, the JANE DOE PHONE received messages from the GAMEZ-ACOSTA PHONE that were sexual in nature; specifically, the GAMEZ-ACOSTA PHONE wrote he was going to suck on it. Based on my training and experience, I believe the GAMEZ-ACOSTA PHONE was referencing sucking on JANE DOE's vagina. Additionally, on January 27, 2025, the JANE DOE PHONE and GAMEZ-ACOSTA PHONE discussed JANE DOE testing negative on a pregnancy test. In that conversation, the GAMEZ-ACOSTA phone advised to take another test in three days and he wanted to have a child with her.

13. On December 6, 2024, S.R. sent the JANE DOE PHONE messages indicating S.R. was aware JANE DOE left school. S.R. told JANE DOE she was grounded and was no longer going to be able to go out with GAMEZ-ACOSTA. I believe GAMEZ-ACOSTA transported JANE DOE from Nebraska to New Mexico to continue their romantic and sexual relationship without interference of JANE DOE's family.

CONCLUSION

14. In summary, based on the above information, I believe there is probable cause to believe DANIEL SILVESTRE GAMEZ-ACOSTA committed a violation of 18 U.S.C. § 2423(a)

² See District of New Mexico, 25-MR-204.

– Transportation with Intent to Engage in Criminal Sexual Activity on December 25 and 26, 2024
in the District of New Mexico.

15. This Affidavit has been reviewed and approved by Assistant United States
Attorney Jaymie L. Roybal.

16. I declare under penalty of perjury that the foregoing is true and correct to the best
of my knowledge.



Nancy Stemo
Special Agent
FBI

Electronically Subscribed and Telephonically SWORN to before
me on this 11th day of February 2025.



THE HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE